



Docket No.: N9450.0020/P020
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Soshiro Kuzunuki, et al

Application No.: 09/879,164

Group Art Unit: 2857

Filed: June 13, 2001

Examiner: Not Yet Assigned

For: MULTIMEDIA INFORMATION
DELIVERY SYSTEM AND MOBILE
INFORMATION TERMINAL DEVICE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under

Application No.: 09/879,164

Docket No.: N9450.0020/P020

Order No. N9450.0020/P020. A duplicate copy of this paper is enclosed.

Dated: May 23, 2003

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

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Attorneys for Applicant



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/879,164
				Filing Date	June 13, 2001
				First Named Inventor	Soshiro Kuzunuki
				Art Unit	2857
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	N9450.0020/P020

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	CN 1155819A	07-30-1997			
	BB	CN 1153291A	07-02-1997			
	BC					

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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CPEL0152061

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing. Postal code: 100088

Applicant	HITACHI, LTD.		Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.			April 18, 2003
Patent Application No.	01124852.1	Application Date	June 30, 2001	Exam Dept.
Title of Invention	MULTIMEDIA INFORMATION DELIVERY SYSTEM AND MOBILE INFORMATION TERMINAL DEVICE			

First Office Action

1. ☒ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination.

☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.

2. ☒ The applicant requests taking the filing date, June 30, 2000 at the JP Patent Office, the filing date, _____ at the _____ Patent Office, the filing date, _____ at the _____ Patent Office as the priority date of the present application.

☒ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.

☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.

3. ☐ The applicant filed amended application document(s) on _____ and _____.

☐ Examination has confirmed that _____ filed on _____ cannot be accepted, _____ filed on _____ cannot be accepted.

as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.

☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.

☐ For the specific reason that the amendment(s) cannot be accepted, see the text of the Office Action.

4. ☒ The examination is conducted in the light of the original application document(s)
☐ The examination is conducted in the light of the following application document(s):
in the original application documents submitted on the filing date:
Claim(s) _____, page(s) _____ of the description, Figure(s)
of the drawing(s); Claim(s) _____, page(s) _____ of the description,
Figure(s) _____ submitted on _____; Claim(s) _____, page (s)
of the description, Figure(s) _____ submitted on _____
☐ Abstract of the description submitted on _____.
5. ☐ The present Office Action has been prepared without a search having been conducted.
☒ The present Office Action has been prepared with a search having been conducted.
☒ The following reference document(s) is/are cited in this Office Action (its/their serial number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	CN1155819A	(Date): July 30, 1997
2	CN1153291A	(Date): July 2, 1997
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

- ☒ On the description:
☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.
☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.
☒ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.
- ☒ On the claims:
☐ Claim comes within the scope where no patent right is granted as provided in Article 25 of the Patent Law.
☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the Implementing Regulations.
☐ Claim _____ does not possess novelty as provided in Article 22(2) of the Patent Law.
☒ Claim 1, 12, 14, 16, 20 does not possess inventiveness as provided in Article 22(3) of the Patent Law.
☐ Claim _____ does not possess practical applicability as provided in Article 22(4) of the Patent Law.
☐ Claim _____ is not in conformity with the provision of Article 26(4) of the Patent

Law.

- ☐ Claim _____ is not in conformity with the provision of Article 31(1) of the Patent Law.
- ☒ Claim 1, 3-4, 7-8, 12-19 is not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim _____ is not in conformity with the provision of Article 9 of the Patent Law.
- ☐ Claim _____ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

- ☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☒ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
- ☐ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:

- (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within four months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
- (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
- (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document no mailed or presented to the Acceptance Section have no legal force.
- (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 2 page(s) and of the following annex(es):

- ☒ 2 duplicate copies of the reference document(s) cited totalling 35 page(s).

☐

☐

First Office Action

(I) The Claims

1. (This item relates to some expressions in the claims of the Chinese version, and will be dealt with by us – Agent’s note)

2. Claims 1, 12, 14, 20 possess no inventiveness, not in conformity with the provision of Art. 22, para. 3 of the Patent Law.

Reference 1 has disclosed an information delivery system including a plurality of information terminals and a server apparatus for providing information to the information terminals, and has disclosed (refer to page 4, the bottom two lines in the specification) position detection means, operation instruction receipt means, output means and terminal side communication means for transmitting information to request information and receiving information transmitted by the server in said information terminal as in claim 1. Moreover, said information terminal device detects the position of itself at predetermined times.

Reference 1 has further disclosed a processor means for generating information to be sent by utilizing the request information sent from the information terminal, and a server side communication means for receiving request information of the information terminal and for transferring information in said server apparatus.

It can thus be seen that its distinction lies in “terminal side communication means transmits information of said detected position to said server apparatus”, “said server apparatus receives information of detected position transmitted from the terminal side communication means”, “position information storage means in said server apparatus”.

Reference 2 has disclosed a detection apparatus for the position of a moving object, and in substance has disclosed (page 3, line 23 – page 4, line 14 in the specification) that “terminal side communication means transmits information of said detected position to other terminal side communication means”, “position information storage means in said terminal side communication means”.

Obviously, those skilled in the art very easily on the basis of reference 1 combine with reference 2, changing “other terminal side communication means” in reference 2 to “said server apparatus”, thereby obtain the technical solution that claims 1 seeks to protect, and fulfil the object of obtaining service information through the position information of the transmission terminal side communication equipment. Hence claim 1 possesses no inventiveness.

It can be seen that by reasons similar to those commenting on claim 1, claims 12, 14, 20 do not possess inventiveness either.

3. Claim 16 possesses no inventiveness, and is not in conformity with the provision of Art. 22, para. 3 of the Patent Law.

Claim 16 adds, on the basis of claim 1, the feature “information indicative

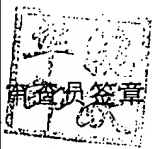


of the amount of charged money”, which, to those skilled in the art, is easy to think of. Hence, claim 16 does not possess inventiveness either.

(II) The Specification

1. (This item relates to the headings in the specification of the Chinese version, and will be dealt with by us – Agent’s note)

The applicant shall make a response within the time limit that this Office Action prescribes. The applicant’s amendments to the application document shall be in conformity with the provision of Art. 33 of the Patent Law, and must not go beyond the scope of disclosure contained in the initial specification and claims. If the applicant can file a suitable application document in light of the defects pointed out in this Office Action, the examination of this application will be expedited. However, if the applicant cannot advance convincing reasons, this application will be rejected by the corresponding reasons in this Office Action that satisfy the provision of Rule 53 of the Implementing Regulations of the Patent Law.

中华人民共和国国家知识产权局

邮政编码: 100028 北京市朝阳区北三环东路静安西街2号楼3层 中国专利代理(香港)有限公司 李亚非				
中 请 号	01124852.1	部门及通知书类型	9	发文日期 
申 请 人	株式会社日立制作所			
发明名称	多媒体信息发布系统和移动信息终端设备			

第一次审查意见通知书

0152061

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以其在:

_____ 日本 _____ 专利局的申请日 2000 年 06 月 30 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。

3. ☐ 申请人于 _____ 年 _____ 月 _____ 日和 _____ 年 _____ 月 _____ 日提交了修改文件。

经审查, 其中: _____ 年 _____ 月 _____ 日提交的 _____ 不能被接受;

_____ 年 _____ 月 _____ 日提交的 _____ 不能被接受;

因为上述修改 ☐ 不符合专利法第 33 条的规定。 ☐ 不符合实施细则第 51 条的规定。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始申请文件进行的。

☐ 审查是针对下述申请文件的:

申请日提交的原始申请文件的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的说明书摘要, _____ 年 _____ 月 _____ 日提交的摘要附图。

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

03 SEP 2003

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收

2201 2001.7

(注: 凡寄给审查员个人的信函不具有法律效力)

编号	文件号或名称	公开日期
1	CN1155819 A	1997 年 7 月 30 日
2	CN1153291 A	1997 年 7 月 02 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☒关于说明书:

☐申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐说明书不符合专利法第 26 条第 3 款的规定。

☒说明书的撰写不符合实施细则第 18 条的规定。

☐

☒关于权利要求书:

☐权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☒权利要求 1、12、14、16、20 不具备专利法第 22 条第 3 款规定的创造性。

☐权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐权利要求 不符合专利法第 26 条第 4 款的规定。

☐权利要求 不符合专利法第 31 条第 1 款的规定。

☐权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☒权利要求 1、3-4、7-8、12-19 不符合专利法实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

☒引用的对比文件的复印件共 2 份 35 页。

☐

审查 9 部

审查员

审查部门业务专用章

(未加盖审查业务专用章的通知书不具备法律效力)

2201 2001.7

第一次审查意见通知书正文

一、权利要求书

- 1、权利要求 1、15-19、3-4、7-8、12-14 不清楚，不符合专利法实施细则第 20 条第 1 款的规定。

A、权利要求 1、15-19 第 1-2 行、权利要求 17-18 第 8 行中的“所述（多个）信息终端设备各个”应写成“每个所述信息终端设备”；
权利要求 17 第 9 行中的“和然后”应写成“并”；
权利要求 18-19 第 1 行中的“一种信息服务提供方法”显然重复了

B、从上下文看，权利要求 4 第 1 行中的“权利要求 1”应为“权利要求 3”

C、权利要求 3 中出现如第 4 行的“所述信息终端设备”和第 7 行的“另一个用户的信息终端设备”两种信息终端设备，审查员不明白第 8 行的“所述信息终端设备”指的是那一种信息终端；

D、权利要求 7-8 中的“阻塞”、“流行”写成“拥挤”和“通畅”更妥当些；
权利要求 8 第 3 行中的“操作来”显得多余，最好删掉；
权利要求 8 第 5 行中的“为单位”最好写成“为单位的”；

E、权利要求 12-13 第 1-2 行的：

“用于接收提供的几个信息服务同时连接到与其有效连接的服务器设备，其特征在于：”

应写成：

“用于连接到与其有效连接的服务器设备，同时接收提供的几个信息服务，其特征在于：”

权利要求 12 第 7-9 行应写成：

“一旦从上一次位置信息发射事件起超过预定时间，所述位置检测装置重新检测位置，并通过.....设备。”

权利要求 13 第 6 行中的“损失终端”应为“所述终端”

F、权利要求 14 第 8 行中的“其历史纪录”应写成“历史纪录”

G、权利要求 15-16 第 5 行中的“两者”显得多余，应删掉

同样，权利要求 16 第 7 行中的“当时”也应删掉

- 2、权利要求 1、12、14、20 不具备创造性，不符合专利法第 22 条第 3 款的规定。

对比文件 1 公开了一种信息发布系统，包括多个信息终端和服务器设备，用于向信息终端提供信息，并披露了（参见说明书第 4 页倒数第 1 行-倒数第 2 行）如权利要求 1 的所述信息终端中的位置检测装置、操作指令接收装置、输出装置、用于发射信息请求信息并从接收服务器发送的信息的终端方通信装置；且所述信息终端设备在预定时间检测自己的位置。

对比文件 1 还披露了所述服务器设备中的利用信息终端发送的请求信息产生发送信息的处理器装置、用于接收信息终端的请求信息并发送信息的服务器方通信装置。

由此可知，其区别在于“终端方通信装置发射所述检测位置的信息给所述服务器设备”、“所述服务器设备接收由终端方通信装置发射来的检测位置信息”、“所述服务器设备中的位置信息存储装置”

对比文件 2 公开了一种移动体位置检测设备，并实质上披露了（说明书第 3 页第 23 行-第 4 页第 14 行）“终端方通信装置发射所述检测位置的信息给其它终端方通信装置”、“所述终端方通信装置中的位置信息存储装置”。

显然，本领域普通技术人员是很容易在对比文件 1 的基础上结合对比文件 2，将对比文件 2 中的“其它终端方通信装置”转换为“所述服务器设备”，从而得出权利要求 1 所请求保护的技术方案，并达到通过发送终端方通信装置位置信息以获取服务信息的目的，故权利要求 1 不具备创造性。

以类似评述权利要求 1 的理由可知，权利要求 12、14、20 也不具备创造性。

2、权利要求 16 不具备创造性，不符合专利法第 22 条第 3 款的规定。

权利要求 16 仅在权利要求 1 的基础上增加了特征“收费数量信息”，这对本领域技术人员而言是很容易想到的，故权利要求 16 也不具备创造性。

二、说明书

1、说明书不符和专利法实施细则第 18 条的规定。

说明书应按照专利法实施细则第 18 条的规定，将说明书分成 5 部分，并加上相应的标题。

申请人应当在本通知书指定的答复期限内作出答复。申请人对申请文件的修改应当符合专利法第 33 条的规定，不得超出原说明书和权利要求书记载的范围。如果申请人能够针对本通知书指出的缺陷，提出合适的申请文件，将会加快该申请的审理；但若申请人提不出令人信服的理由，该申请将以符合专利法实施细则第 53 条规定的上述通知书中的相应理由予以驳回。